

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
)
v.) CRIMINAL ACTION 11-00120-KD
)
)
JASON PAUL DAVIS,)
)
)
Defendant.)

ORDER

Trial in this case was scheduled to begin today, Friday, September 9, 2011. A jury was selected, but not sworn, on August 29, 2011. Early this morning, before court was called into session, the Court and defense counsel were informed that the Defendant, Jason Paul Davis, had fallen down a flight of stairs at the Baldwin County Jail where he has been detained pending trial in this matter since June 1, 2011. On the record, at an *in camera* conference at which counsel for the Defendant and the Government were present, defense counsel moved the Court to continue the trial, citing both the Defendant's fall and logistical difficulties that defense counsel has encountered in attempting to arrange the transportation of the Defendant's alibi witness. The Government had no objection to a continuance. The court finds that, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(i), that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial and this trial is hereby **CONTINUED** to the October criminal term.

The court further finds that the period of time between the selection of the jury on August 29, 2011 and the next scheduled jury selection on October 3, 2011 is excludable under the Speedy Trial Act. Additionally, based on the representations of defense counsel, the Court

expects to receive from the Defendant later today a written waiver of his constitutional and statutory rights to a speedy trial.

The Clerk of Court is **DIRECTED** to refer this matter to the appropriate Magistrate Judge for scheduling a new pretrial conference.

DONE and **ORDERED** this the **9th** day of **September 2011**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE